

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

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*Serious drought.  
Help save water!*

June 3, 2016

Facsimile: (916) 381-1447

Felipe Martin, President  
Martin Brothers Construction.  
8801 Folsom Blvd., Suite 260  
Sacramento, CA 95826

03-0C4714  
03-Yol-16-23.2/23.5  
B.O. 03/30/2016

Dear Mr. Martin:

The Department of Transportation (Caltrans) received a letter dated May 3, 2016, from Martin Brothers Construction (Martin Brothers) in response to a materially and mathematically unbalanced bid determination for the above referenced contract on May 2, 2016. Martin Brothers submits by this letter that its bid was not materially or mathematically unbalanced for the following reasons;

1. Bid Item 3, Traffic Control System was bid at \$161,000.00, while it may have exceeded the engineers estimate, it was in line with bidders 3, 4 and 5 with an average price of \$176,698.00. Martin Brothers bid for this item was lower than the three bidders. The only bidder not in line with the pricing was bidder 2, and they 160 percent lower than the average of the other 3 bidders.
2. Bid Item 12, Street Sweeping was bid at \$54,500.00, and while it may have exceeded the engineers estimate, it was in line with the fourth bidder whose bid was \$55,000.00.
3. Bid Item 24, Roadway Excavation was bid at \$64,000.00, and while it is below the engineers estimate it was not mathematically nor materially unbalanced. There is no consistency from any of the bidders. The only bidder that is close to the engineers estimate is bidder 4, whose bid is still below the engineers estimate.
4. Bid Item 32, Hot Mix Asphalt (Type A), the second bidders pricing for this item is not in line with any of the other 4 bidders and is \$93,000.00 higher or 22.8 percent higher than the 5<sup>th</sup> and highest bidder and 46.4 higher than the low bidder. Martin Brothers believes that this is a material unbalancing of the bid, and would result in a higher cost to the state.

Caltrans carefully reviewed Martin Brothers bid and provided the following response;

1. Contract Item 3, Traffic Control System, and Item 12, Street Sweeping

Martin Brothers bid high on two low-risk, lump sum items: Item 3, Traffic Control System and Item 12, Street Sweeping. Their price for Traffic Control System is \$161,000. The engineers estimated the costs of this item is \$90,000, and the other bids range from \$68,000 to \$375,000. Construction staff thoroughly reviewed this item and determined \$161,000 is a high bid for the work. In addition, bid item 12 Street Sweeping, the contractor bid \$54,500. The engineers estimated the cost of this item is \$18,480, and the other bids range from \$1,000 to \$55,000, so Martin Brothers' price is at the high end of the range.

The second bidder, O.C. Jones bid these two items as \$68,000.00 and \$15,000.00 respectively, well within the engineers estimated costs.

Given the 35 working days of the project, the engineers estimate a more reasonable costs for the items as \$120,000.

2. Contract Item 24, Roadway excavation

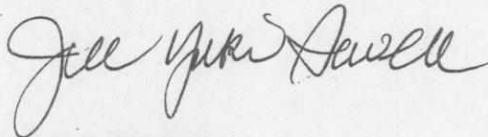
Martin Brothers states "there is no consistency from the other bidders", The fact that there is no consistency from the other bidders does not make the bid submitted by Martin Brothers reasonable. As conveyed in the correspondence on May 2, 2016, Martin brothers was unable to account for pricing of this item. The estimator was not able to explain how they would perform this item of work at the bid price. Based on the documents provided in the response, Trucking was not included in Martin Brother's estimate for roadway excavation. The performance of this bid item provides that the excavated material should be hauled from one side of the highway to the other side (embankment area) using dump trucks. For this reason, Caltrans upholds its position that the price bid is unreasonable.

3. As the protest pertains to a materially unbalanced bid; Caltrans does not agree that O.C. Jones submitted an unbalanced bid based on the item cost of bid item 32, Hot Mix Asphalt (Type A). As indicated in the projects plans, there is a variable thinness of the HMA paving also called levelling course that has to be done as part of this item. That portion of the paving work will be a slower operation. The contractor will be placing less material per shift, hence driving the unit price up. It appears that O.C. Jones understood the nature of this work.

Based on the above, Caltrans finds that this protest will have no bearing on the award of this contract and Caltrans will proceed to award this contract to the lowest responsive and responsible bidder.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

A handwritten signature in cursive script, reading "Jill Y. Sewell".

JILL Y. SEWELL  
Office Chief  
Office Engineer, Construction Contract Awards  
Division of Engineering Services

**\*\* Transmit Conf. Report \*\***

P.1  
CAL/TRANS PLANS COUNTER

Jun 3 2016 02:23pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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